

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,

Plaintiff,

V.

TEXAS INSTRUMENTS, INC., *et al.*,

Defendants.

BLUE SPIKE, LLC,

Plaintiff,

V.

AOPTIX TECHNOLOGIES, INC.,

Defendant.

**SUPPLEMENTAL DECLARATION OF THOMAS RAINWATER IN SUPPORT OF
DEFENDANT’S MOTION TO STRIKE BLUE SPIKE’S IMPROPERLY-FILED
SUPPLEMENTAL COMPLAINT AND TO DISMISS THE ACTION FOR LACK OF
PERSONAL JURISDICTION AND IMPROPER VENUE**

I, Thomas Rainwater, declare as follows:

1. I am the Contracts and Security Manager of AOptix Technologies, Inc. (“AOptix”). I have personal knowledge of the facts set forth herein and could and would testify competently thereto if called as a witness. I make this Declaration in support of Defendant AOptix’s Motion to Strike Blue Spike’s Improperly-Filed Supplemental Complaint and to Dismiss the Action for Lack of Personal Jurisdiction and Improper Venue.

2. No partner or distributor of AOptix has sold any AOptix products to customers in Texas.

3. To AOptix's knowledge, no partner or distributor has solicited customers for AOptix's products in Texas.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 18th day of October, 2013 at Campbell, California.



Thomas Rainwater

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

October 18, 2013

/s/ Bryan A. Kohm

Bryan A. Kohm